

Express Mail Label No.: EM 028420714 US      Date: June 1, 2007

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In re Application of:

Vega MASIGNANI

Serial No.: 10/552,192

Confirmation No.: 8434

International Application No.: PCT/IB04/01440

Group Art Unit: 1646

I.A. Filing Date: April 8, 2004

Examiner: To Be Assigned

For: ADP-RIBOSYLATING TOXIN FROM  
LISTERIA MONOCYTOGENES

**REPLY TO THE NOTIFICATION OF DEFECTIVE RESPONSE**

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the "Notification of Defective Response" mailed May 3, 2007 from the United States Patent and Trademark Office, the following documents are enclosed herewith:

1. **COPY** of Notification of Defective Response.
2. **TRANSMITTAL OF SEQUENCE LISTING INCLUDING:**  
Statements Under 37 C.F.R. 1.821(f) and (g), including statement specifically directing entry of the sequence listing into the application.  
Paper Copy of the Sequence Listing (8 pages).  
Compact Disk Containing CRF Copy of Sequence Listing (1 CD).
3. **RETURN RECEIPT POSTCARD**

The Notification of Defective Response included a CD Submission Review Result worksheet indicating that there were Missing Parts on the grounds that the response only contained "Only one copy of the CD, no duplicate."

However, in the response mailed December 5, 2006 regarding the Notification of Missing Requirements, Applicant submitted both a paper sequence listing and compact disc copy of the paper sequence listing. When a paper copy of the sequence listing is submitted, 37 C.F.R. 1.821(e) requires submission of only a single CRF copy. Duplicate compact discs are only required when a compact disc is submitted in lieu of a paper copy of the sequence listing.

Thus, since the sequence listing submission of December 5, 2006 included a paper copy of the sequence listing, two compact disc copies of the sequence listing were not required.


For the USPTO's convenience, Applicant has provided a new copy of the previously filed sequence listing submission.

Applicant respectfully request entry of the paper copy of this sequence listing at the end of the specification.

The Commissioner is hereby authorized to charge any deficiency or credit any overpayment in fees that may be due in this matter to Deposit Account No. 03-1664.

Respectfully submitted,  
NOVARTIS VACCINES AND DIAGNOSTICS, INC.

Dated: 6/1/07

By:   
Marcella Lillis  
Registration No. 36,583

NOVARTIS VACCINES AND DIAGNOSTICS, INC.  
Intellectual Property – R338  
P.O. Box 8097  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/552,192	Vega Masignani	PP02009.0003

INTERNATIONAL APPLICATION NO.
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PCT/IB04/01440

I.A. FILING DATE	PRIORITY DATE
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04/08/2004

04/09/2003

27476

NOVARTIS VACCINES AND DIAGNOSTICS INC.  
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 P.O. BOX 8097  
 Emeryville, CA 94662-8097



CONFIRMATION NO. 8434

371 FORMALITIES LETTER



\*OC000000023662386\*

Date Mailed: 05/03/2007

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 10/06/2005
- Copy of the International Search Report filed on 10/06/2005
- Preliminary Amendments filed on 10/06/2005
- Information Disclosure Statements filed on 10/06/2005
- Oath or Declaration filed on 12/05/2006
- U.S. Basic National Fees filed on 10/06/2005
- Priority Documents filed on 10/06/2005
- Specification filed on 10/06/2005
- Claims filed on 10/06/2005
- Abstracts filed on 10/06/2005
- Drawings filed on 10/06/2005
- Paper nucleotide sequence listings filed on 10/06/2005

DOCKETED on/by 5/11/07, mro  
 Atty. RUH PA  
 File # PP020009.0003  
 Due Date Ext  
 Final Date 10/3/07-RSP  
*defective response: SQL*

Applicant's response filed 12/05/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/05/2006 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable-form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825 (d). If applicant desires the sequence listing in the instant application to be identical with that of another

application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/552,192	PCT/IB04/01440	PP02009,0003